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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,154	11/09/2000	Gary Como.	10022/18	4580
33391	7590	05/19/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE ONE INDIANA SQUARE, SUITE 1600 INDIANAPOLIS, IN 46204			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/710,154	Applicant(s) COMO. ET AL.	
	Examiner Akiba K. Robinson-Boyce	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Due to communications filed 2/28/06, the following is a non-final office action. Prosecution for this case has been re-opened. Claims 1-22 and 34-37 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn, and the pending claims have been rejected as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6, 10, 34-37, are rejected under 35 U.S.C. 102(e) as being anticipated by Magee (US 2003/0040935).

As per claim 1, Magee discloses:

obtaining requirement-indicating data of a first entity with respect to the transactional subject, (Pg. 4, [0068], sub-user initiating request).

automatically transmitting the obtained requirement-indicating data from a first business entity to a second business entity over a communications network, (Pg. 4,

[0069, if value exceeds sub-user allowance, request submitted to user from which sub-user depends);

automatically feeding the transmitted requirement-indicating data into an electronic processor for monitoring the transactional subject, the electronic processor being associated with an electronic processing system of the second business entity, (Pg. 4, [0070, lines 1-2, approved request stored in database and communicated by engine);

generating a business decision of the first business entity and the second business entity that is based on the requirement-indicating data and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic processing system with the second business entity, (Pg. 4, [0084, lines 7-10, automatically generating an order to replenish stock used in producing the order for approval by a user).

As per claim 3, Magee discloses:

wherein the obtaining step comprises obtaining inventory-tracking data, the inventory-tracking data including at least one of consumption data and inventory data, (Pg. 1, [0017], lines 1-6, inventory data).

As per claim 4, Magee discloses:

wherein the generating step comprises generating an order as the business decision, the order being for the transactional subject based on the requirement-indicating data, (Pg. 1, [0013], order data).

As per claim 5, Magee discloses:

wherein the generating step comprises generating a shipping instruction as the business decision, the shipping instruction being for the transactional subject based on the requirement indicating data, (Pg. 2, [0039], shipping).

As per claim 6, Magee discloses:

wherein the feeding step comprises feeding the transmitted requirement-indicating data into an enterprise resource planning system as the electronic processor, (Pg. 4, [0070, lines 1-2, approved request stored in database and communicated by engine).

As per claim 10, Magee discloses:

wherein the generating step comprises generating the business decision on production of the transactional subject based on an exchange of the requirement-indicating data at a regular interval, the regular interval having a duration that depends upon a nature of the business of the first business entity and the second business entity, (Pg. 4, [0084, lines 7-10, automatically generating an order to replenish stock used in producing the order for approval by a user).

As per claim 34, Magee discloses:

Wherein the business decision comprises an order processing decision, (paragraph [0062] purchaser and supplier)

As per claim 35, Magee discloses:

Wherein the order processing decision comprises procuring a production material for either said first business entity or said second business entity, (Pg. 4,

[0084, lines 7-10, automatically generating an order to replenish stock used in producing the order for approval by a user).

As per claim 36, Magee discloses:

wherein the business decision comprises engaging in a commercial transaction involving the transactional subject, (Paragraph [0011], commercial operations).

As per claim 37, Magee discloses:

wherein the commercial transaction comprises purchase of the transactional subject, (paragraph [0060], purchases of day to day items are captured).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 7-9, 11-18, 21-22, and 34-37, are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee (US 2003/0040935), and further in view of Burke et al (US 6,789,252).

As per claims 2, 21, Magee fails to disclose wherein the obtaining step comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the transactional subject, but Magee does disclose order data on page 1, [0013].

However, Burke et al discloses:

wherein the obtaining step comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the transactional subject, (Abstract, lines 11-12, demand, where order data is shown to be form of demand data). Burke et al discloses this limitation in an analogous art for the purpose of showing that demand is incorporated into placing order data which manages business object definition as specifications.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate demand-indicating data into a decision support system with the motivation of managing customer's requirements according to demand and/or forecast information.

As per claims 7, 14, 15, 16, Magee fails to disclose wherein the obtaining step comprises comprising extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system/extracting a relevant portion of the demand-indicating data from the database; and formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document/wherein the transmitting step comprises transmitting the extensible mark-up language document as the demand-indicating data over the communications network/receiving the transmitted extensible mark-up language document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system, but does disclose obtaining requirement-indicating data on Pg. 4, [0068].

However, Burke et al discloses:

wherein the obtaining step comprises comprising extracting a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system/extracting a relevant portion of the demand-indicating data from the database; and formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document/wherein the transmitting step comprises transmitting the extensible mark-up language document as the demand-indicating data over the communications network/receiving the transmitted extensible mark-up language document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system, (Col. 34, line 66-col. 35, line 10, shows XML data operates via files/tables [database], and using data transfer to create an XML document, in this case it shows data transfer using XML, where the transfer is based on DOCTYPE). Burke et al discloses this limitation in an analogous art for the purpose of showing that XML data is used to process orders.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to extract a subset of the requirement-indicating data from a requirement-indicating database associated with an enterprise resource planning system, to extract a relevant portion of the demand-indicating data from the database; and formatting the extracted relevant portion of the demand-indicating data into an extensible mark-up language document/wherein the transmitting step comprises transmitting the extensible mark-up language document as the demand-indicating data over the communications network/receiving the transmitted extensible mark-up language

document; and translating the extensible mark-up language document into a data format compatible with an enterprise planning resource system with the motivation of showing that XML data can be incorporated into the processing of data.

As per claims 8, 9, Magee fails to disclose wherein the transmitting step comprises transmitting superseding requirement-indicating data on an as-needed basis to replace prior requirement-indicating data at the second business entity/ wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity, but does disclose a sub-user initiating request on Pg. 4, [0068).

However, Burke et al discloses:

wherein the transmitting step comprises transmitting superseding requirement-indicating data on an as-needed basis to replace prior requirement-indicating data at the second business entity/ wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating data at the second business entity, (Col. 2, lines 14-17, shows an example of where records are replaced with definitions). Burke et al discloses this limitation in an analogous art for the purpose of showing that requests are updated.

It would have been obvious to one of ordinary skill in the art to transmit differential data for expressing a change with respect to prior requirement indicating data at the second business entity/wherein the transmitting step comprises transmitting differential data for expressing a change with respect to prior requirement indicating

data at the second business entity, with the motivation of showing how change reflects the system data.

As per claim 11, Magee discloses:

Obtaining...-indicating data with respect to a transactional subject, , (Pg. 4, [0068], sub-user initiating request);

automatically transmitting the obtained...-indicating data from a first business entity to a second business entity over a communications network, (Pg. 4, [0069, if value exceeds sub-user allowance, request submitted to user from which sub-user depends);

automatically feeding the transmitted...-indicating data into an electronic processor for monitoring the transactional subject, the electronic processor being associated with an electronic processing system of the second business entity, (Pg. 4, [0070, lines 1-2, approved request stored in database and communicated by engine);

generating a business decision of at least one of the first business entity and the second business entity that is based on the...-indicating data, and that is made solely by the electronic processing system without the need for manual data entry into or manual data extraction from the electronic data processing system, (Pg. 4, [0084, lines 7-10, automatically generating an order to replenish stock used in producing the order for approval by a user).

Magee does not specifically teach demand-indicating data but does disclose order data on page 1, [0013].

However, Burke et al discloses:

wherein the obtaining step comprises obtaining demand-indicating data, the demand-indicating data including at least one of demand data and forecast data on the transactional subject, (Abstract, lines 11-12, demand, where order data is shown to be form of demand data). Burke et al discloses this limitation in an analogous art for the purpose of showing that demand is incorporated into placing order data which manages business object definition as specifications.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate demand-indicating data into a decision support system with the motivation of managing customer's requirements according to demand and/or forecast information.

As per claim 12, Magee discloses:

wherein the obtaining step comprises accessing the demand-indicating data in a database associated with an enterprise planning resource system, (Abstract, lines 11-16, database).

As per claims 13, 17, Magee discloses:

wherein the obtaining step comprises updating demand-indicating data in the database..., (paragraph 0078, database is updated).

Magee does not specifically disclose on a daily basis after an end of a business day and prior to a beginning of a next successive business day/ wherein the transmitting step transmits the demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day, however, this limitation is obvious with Magee since Magee discloses that purchases are made day to

day in paragraph [0060], and since purchases are made, this changes the demand-indicating data, and in turn data stored about demand-indicating data must also be changed.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to make updates on a daily basis after an end of a business day and prior to a beginning of a next successive business day/ wherein the transmitting step transmits the demand-indicating data in the database on a daily basis after an end of a business day and prior to a beginning of a next successive business day with the motivation of keeping records up-to-date.

As per claim 18, Magee fails to disclose displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity, but does disclose a sub-user initiating request on Pg. 4, [0068].

However, Burke et al discloses:

displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity, (Col. 60, lines 45-49, display based on ordered list). Burke et al discloses this limitation in an analogous art for the purpose of showing that the user that requests an order is able to view the data.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to displaying the demand-indicating data for a user affiliated with one of the first business entity and the second business entity with the motivation of allowing the user to visually review data.

As per claim 22, Magee discloses:

wherein the first business entity represents a customer of the material as the transactional subject and wherein the second business entity represents a supplier of the material, (Paragraph [0062], purchaser and supplier).

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee (US 2003/0040935), and further in view of Burke et al (US 6,789,252), and further in view of Brewer et al (6,012,041).

As per claims 19 and 20, neither Magee nor Burke et al disclose wherein the business decision comprises deciding to change the manufactured quantity of a material as the transactional subject/ wherein the business decision comprises deciding to change a supply of material to fulfill a firm demand derived from the demand-indicating data, but Magee does disclose requirement indicating data through requests on Pg. 4, [0068].

However, Brewer et al discloses:

wherein the business decision comprises deciding to change the manufactured quantity of a material as the transactional subject/ wherein the business decision comprises deciding to change a supply of material to fulfill a firm demand derived from the demand-indicating data, (See claim 19, update level of stock). Brewer et al discloses this limitation in an analogous art for the purpose of showing that after each retrieval of stock, the level is updated.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to change the manufactured quantity of a material as the transactional subject/ wherein the business decision comprises deciding to change a

supply of material to fulfill a firm demand derived from the demand-indicating data, with the motivation of keeping the amounts of materials updated.

Response to Arguments

7. Applicant's arguments with respect to claims 1-22 and 34-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

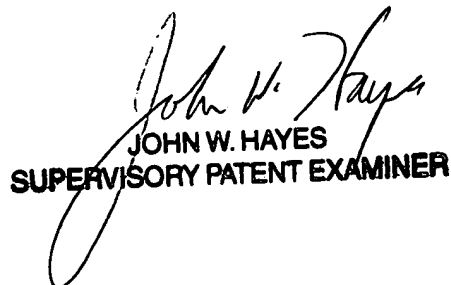
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
May 10, 2006



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER